

COPY



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 2, 2003

Diana Delaney, Chief Clerk
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Re: Subcase Nos.: See List for Basin 63 and 73 contained in the enclosed Report

Dear Diana:

Enclosed are the original and a copy to be conformed of the CORRECTED REPORT ON STATUS OF STATE OF IDAHO'S OBJECTION IN BASINS 63 AND 73. Please file the original, conform the copy, and return the conformed copy to us in the self-addressed, stamped envelope I have provided for your convenience. This document is filed in accordance with the request of the court to correct subcase number 63-29602 to be 63-29062 in the first line of the report on page 2.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Patricia Boehm".

PATRICIA BOEHM, PLS
Secretary
Natural Resources Division

DJB/pb
Enc.

COPY

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos.: See List for Basins 63 and 73 contained in
	)	Report
	)	
	)	
Case No. 39576	)	CORRECTED REPORT ON STATUS OF STATE OF
	)	IDAHO'S OBJECTIONS IN BASINS 63 AND 73
	)	
_____	)	

The State of Idaho, by and through the undersigned deputy attorney general, responds as follows to the Court's request that the State of Idaho identify those subcases that it intends to proceed to hearing. The State of Idaho's review of the list of 100 subcases in Basins 63 and 73 that were in Exhibit A to the ORDER SETTING DEADLINE AND NOTICE OF HEARING entered on May 22, 2003 indicates that twenty-one of these subcases are not related to Public Water Reserve 107. Rather, these subcases are instream flows with a claimed priority date

earlier than June 28, 1934. With respect to these instream flow subcases, the State of Idaho has no objection to them proceeding to decree if the priority date is changed to June 28, 1934 in accordance with the stipulation between the United States and the State of Idaho. For the seventy-nine PWR 107 claims, the State of Idaho withdraws sixty of those objections; our objection continues with respect to three subcases; sixteen subcases may be resolved by a Standard Form 5 within the Settlement Stipulation.

In those cases where the State of Idaho's objection continues, the table below so states and also lists the serial register number for the entry of record with the General Land Office on April 17, 1926. Our more specific comments are as follows:

WATER RIGHT NO.	COMMENT
63-29062	PWR 107--Objection withdrawn; subcase number corrected.
63-29070	PWR 107--Objection continues ; BL 041716
63-29075	Instream flow; change the priority date to June 28, 1934.
63-29078	Instream flow; change the priority date to June 28, 1934.
63-29080	Instream flow; change the priority date to June 28, 1934.
63-29082	Instream flow; change the priority date to June 28, 1934.
63-29108	Instream flow; change the priority date to June 28, 1934.
63-29112	Instream flow; change the priority date to June 28, 1934.
63-29116	Instream flow; change the priority date to June 28, 1934.
63-29117	Instream flow; change the priority date to June 28, 1934.
63-29132	PWR 107--Objection withdrawn
63-29134	PWR 107--Objection withdrawn
63-29136	PWR 107--Objection withdrawn

63-29140	Instream flow; change the priority date to June 28, 1934.
63-29142	PWR 107--Objection continues ; BL 041661
63-29171	Instream flow; change the priority date to June 28, 1934.
63-29174	Instream flow; change the priority date to June 28, 1934.
63-29176	Instream flow; change the priority date to June 28, 1934.
63-29179	Instream flow; change the priority date to June 28, 1934.
63-29182	PWR 107--Objection withdrawn
63-29258	PWR 107--Objection withdrawn
63-29259	PWR 107--Objection withdrawn
63-29260	PWR 107--Objection withdrawn
63-29268	Instream flow; change the priority date to June 28, 1934.
63-29271	Instream flow; change the priority date to June 28, 1934
63-29317	Instream flow; change the priority date to June 28, 1934
63-29351	Instream flow; change the priority date to June 28, 1934.
63-29511	Instream flow; change the priority date to June 28, 1934
63-29560	Instream flow; change the priority date to June 28, 1934
63-29602	Beneficial use claim for lake, change priority date to June 28, 1934
63-29687	Instream flow; change the priority date to June 28, 1934
63-30498	PWR 107--Objection withdrawn
63-30499	PWR 107--Objection withdrawn
63-30500	PWR 107--Objection withdrawn
63-30501	PWR 107--Objection withdrawn
63-30502	PWR 107--Objection withdrawn

63-30503	PWR 107--Objection withdrawn
63-30504	PWR 107--Objection withdrawn
63-30505	PWR 107--Objection withdrawn
63-30506	PWR 107--Objection withdrawn
63-30507	PWR 107--Objection withdrawn
63-30508	PWR 107--Objection withdrawn
63-30509	PWR 107--Objection withdrawn
63-30510	PWR 107--Objection withdrawn
63-30511	PWR 107--Objection withdrawn
63-30512	PWR 107--Objection withdrawn
63-30513	PWR 107--Objection withdrawn
63-30514	PWR 107--Objection withdrawn
63-30515	PWR 107--Objection withdrawn
63-30516	PWR 107--Objection withdrawn
63-30517	PWR 107--Objection withdrawn
63-30518	PWR 107--Objection withdrawn
63-30519	PWR 107--Objection withdrawn
63-30520	PWR 107--Objection withdrawn
63-30521	PWR 107--Objection withdrawn
63-30522	PWR 107--Objection withdrawn
63-30523	PWR 107--Objection withdrawn
63-30524	PWR 107--Objection withdrawn
63-30525	PWR 107--Objection withdrawn

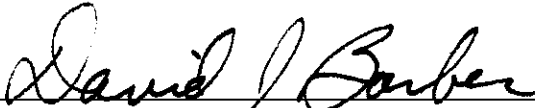
63-30527	PWR 107--Objection withdrawn
63-30528	PWR 107--Objection withdrawn
63-30529	PWR 107--Objection withdrawn
63-30530	PWR 107--Objection withdrawn
63-30531	PWR 107--Objection withdrawn
63-30532	PWR 107--Objection withdrawn
73-10456	PWR 107--Objection withdrawn
73-10518	Water right description is within Settlement Stipulation; SF-5
73-10522	PWR 107--Objection withdrawn
73-10524	PWR 107--Objection withdrawn
73-10548	PWR 107--Objection withdrawn
73-10564	PWR 107--Objection withdrawn
73-10572	PWR 107--Objection withdrawn
73-10592	Water right description is within Settlement Stipulation; SF-5
73-10818	Water right description is within Settlement Stipulation; SF-5
73-10848	PWR 107--Objection withdrawn
73-10882	Water right description is within Settlement Stipulation; SF-5
73-10898	PWR 107--Objection withdrawn
73-11179	PWR 107--Objection withdrawn
73-11245	Water right description is within Settlement Stipulation; SF-5
73-11255	Water right description is within Settlement Stipulation; SF-5
73-11371	PWR 107--Objection withdrawn
73-11405	PWR 107--Objection withdrawn

73-11447	PWR 107--Objection withdrawn
73-11449	PWR 107--Objection withdrawn
73-11451	PWR 107--Objection withdrawn
73-11453	PWR 107--Objection withdrawn
73-11643	Water right description is within Settlement Stipulation; SF-5
73-11645	Water right description is within Settlement Stipulation; SF-5
73-11647	Water right description is within Settlement Stipulation; SF-5
73-11649	Water right description is within Settlement Stipulation; SF-5
73-11694	PWR 107--Objection withdrawn
73-11886	Water right description is within Settlement Stipulation; SF-5
73-11889	PWR 107--Objection withdrawn
73-11890	Water right description is within Settlement Stipulation; SF-5
73-11896	Water right description is within Settlement Stipulation; SF-5
73-11899	Water right description is within Settlement Stipulation; SF-5
73-11901	Water right description is within Settlement Stipulation; SF-5
73-11902	Water right description is within Settlement Stipulation; SF-5
73-11911	PWR 107—Objection continues; recommended as disallowed
73-11918	PWR 107--Objection withdrawn

DATED this 2nd day of October 2003.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO



DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on this 2nd day of October 2003, I caused to be served a true and correct copy of the CORRECTED REPORT ON STATUS OF THE STATE OF IDAHO'S OBJECTIONS IN BASINS 63 and 73 on the following persons and parties by the methods indicated below:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

U.S. MAIL, postage prepaid

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

STATEHOUSE MAIL

Candice McHugh
Office of the Attorney General
Idaho Department of Water Resources
1301 N. Orchard St
Boise, ID 83706

STATEHOUSE MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)

R. Lee Leininger
United States Department of Justice
Environment and Natural Resource Division
550 W. Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL, postage prepaid



DAVID J. BARBER
Deputy Attorney General